

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.)
For Approval of a Negotiated)
Interconnection Agreement with)
DSLnet Communications LLC.)
_____)

DOCKET NO. 02-0095

DECISION AND ORDER NO. 19472

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DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed July 17, 2002
At 1:30 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.) Docket No. 02-0095
For Approval of a Negotiated) Decision and Order No.19472
Interconnection Agreement with)
DSLnet Communications LLC.)
_____)

DECISION AND ORDER

I.

By application filed on April 19, 2002, VERIZON HAWAII INC. (Verizon Hawaii) seeks commission approval of an interconnection agreement (Agreement) negotiated with DSLNET COMMUNICATIONS LLC (DSLnet).¹ Verizon Hawaii makes its request in accordance with 47 United States Code (U.S.C.) § 252(e) and Hawaii Administrative Rules (HAR) § 6-80-54.

Copies of the application and Agreement were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On June 21, 2002, the Consumer Advocate submitted information requests (IRs) to Verizon Hawaii to assist in its review of the application and Agreement.

¹The Agreement replaces the existing agreements between Verizon Hawaii and DSLnet, which were approved in Decision and Order Nos. 17782 (which approved the adoption of the arbitrated agreement between AT&T Communication of Hawaii, Inc. and Verizon Hawaii) and 18125 (which approved an interim interconnection agreement), filed in Docket Nos. 00-0071 and 00-0117 (Consolidated), on June 6, 2000 and October 5, 2000, respectively.

On July 11, 2002, Verizon filed its responses to the IRs. In its statement of position, filed on July 15, 2002, the Consumer Advocate states that it does not object to the approval of the instant application, subject to certain qualifications.²

In accordance with 47 U.S.C. § 252(e), if a State commission does not act to approve or reject a negotiated interconnection agreement within 90 days after the agreement is submitted to the commission, "the agreement shall be deemed approved."³ The 90-day deadline governing the commission's review is on or about July 18, 2002.

II.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii (State), and engaged in the provision of varied telecommunications services to its customers and the general public within its chartered territory in the State. Verizon Hawaii is an incumbent local exchange carrier as defined by 47 U.S.C. § 252.

²The Consumer Advocate states that due to Verizon Hawaii's dilatory filing of its responses to the IRs, it was unable to "perform a thorough review of the responses." However, the Consumer Advocate does not believe that "the conclusions offered in [its] statement of position will change once a thorough review is completed."

³Accord HAR § 6-80-54(c).

DSLnet is a certified facilities-based carrier and reseller of telecommunications services in the State,⁴ and a telecommunications carrier as defined by 47 U.S.C. § 252.

The scope of the Agreement includes, among other items, interconnection, resale, network elements, collocation, 911, pricing, and other services. The initial term of the Agreement shall continue until March 24, 2004.⁵

The Agreement was consummated through voluntary negotiations between the parties, as contemplated by 47 U.S.C. § 252(a), and addresses interconnection services pursuant to 47 U.S.C. § 251. The commission, in its review of the Agreement, is governed by 47 U.S.C. § 252(e) and HAR § 6-80-54. These sections provide that the commission may reject a negotiated agreement only if:

1. The agreement, or any portion of the agreement, discriminates against a telecommunications carrier that is not a party to the agreement; or
2. The implementation of the agreement, or any portion of the agreement, is not consistent with the public interest, convenience, and necessity.

Upon review, the commission finds that the Agreement does not discriminate against other telecommunications carriers

⁴By Decision and Order No. 17095, filed on July 26, 1999, in Docket No. 99-0112, the commission granted DSLnet a certificate of authority to operate as a facilities-based and reseller of intrastate telecommunications services in the State.

⁵Thereafter, the Agreement shall continue until cancelled or terminated as provided for in the Agreement.

and the implementation of the Agreement is consistent with the public interest, convenience, and necessity. Thus, the commission will approve the Agreement.

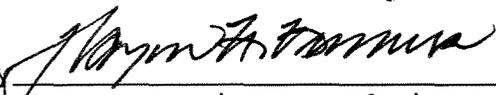
III.

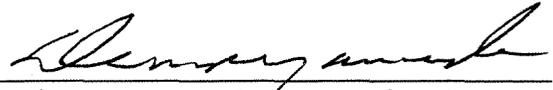
THE COMMISSION ORDERS:

1. The Agreement between Verizon Hawaii and DSLnet submitted on April 19, 2002, is approved.
2. This docket is closed.

DONE at Honolulu, Hawaii this 17th day of July, 2002.

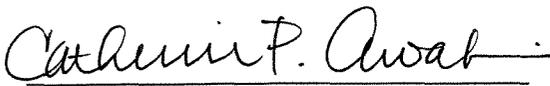
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Dennis R. Yamada, Commissioner

By (EXCUSED)
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Catherine P. Awakuni
Commission Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19472 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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JOEL K. MATSUNAGA
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SCHULA HOBBS
DSLNET COMMUNICATIONS LLC
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Catherine Sakato

DATED: July 17, 2002